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प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 8th May, 1975:—

BILL NO. 43 OF 1975

A Bill further to amend the Supreme Court Judges (Conditions of Services) Act, 1958.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Supreme Court Judges (Conditions of Service) Amendment Act, 1975.

(2) It shall be deemed to have come into force on the 1st day of October, 1974, except section 5 which shall come into force at once.

41 of 1958. 2. After section 16 of the Supreme Court Judges (Conditions of Service) Act, 1958 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

‘16A. (1) Subject to the provisions of sub-section (2), the rules, notifications and orders for the time being in force with respect to the grant of family pension in relation to an officer of the Central Civil Services, Class I, shall apply to the grant of family pension in relation to a Judge who dies, whether before or after retirement, in circumstances to which section 16 does not apply:

Provided that it shall be a condition for the grant of family pension in relation to a Judge that he shall make a contribution of rupees five thousand to the credit of the Central Government in such manner and at such time as may be prescribed.

Short title and commencement.
Insertion of new section 16A.

Family pension.

(2) Sub-section (1) shall not apply to a Judge unless he elects to be governed by the provisions of that sub-section.

Explanation.—In this section, the expression “Judge” has the same meaning as in section 13.’

Amend-
ment of
section
23.

3. In section 23 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Every Judge shall be entitled to a car allowance of three hundred rupees per mensem subject to the maintenance of a motor car by him.”.

Amend-
ment of
section
24.

4. In section 24 of the principal Act,—

(a) in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

“(ba) the manner and time of making the contribution referred to in the proviso to sub-section (1) of section 16A;”;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Transi-
tional
provision.

5. Any Judge who has died on or after the 1st day of October, 1974 but before the date on which this Act receives the assent of the President shall be deemed to have elected to be governed by the provisions of sub-section (1) of section 16A of the principal Act as inserted by this Act:

Provided that this provision shall apply only if the contribution referred to in the proviso to the said sub-section (1) is made by the person or persons entitled to the family pension in relation to such Judge.

STATEMENT OF OBJECTS AND REASONS

Since the passing of the Supreme Court Judges (Conditions of Service) Act, 1958, there has been no material modification of the conditions of service of Supreme Court Judges. There has been a persistent demand for the improvement of the conditions of service of the Judges of the Supreme Court. Having considered all aspects of the matter, it is proposed to allow them certain ancillary benefits.

2. At present, there is no provision for the grant of family pension in the case of Supreme Court Judges who are governed by Part I of the First Schedule to the Act. It is proposed to extend to them the facility of family pension on the same lines as are applicable to Class I officers of the Central Civil Services. In the case of Class I officers of the higher grades, they have to contribute Rs. 5,000 from the gratuity if they opt to be governed by family pension rules. In the case of these Judges, since contribution from gratuity is not possible, they are required to make a contribution in such manner and at such time as the Central Government may prescribe. It is also proposed to give to the Judges of the Supreme Court an allowance of Rs. 300 per mensem for the maintenance of a motor car. The above benefits are proposed to be given with effect from the 1st day of October, 1974.

3. The Bill seeks to amend the Supreme Court Judges (Conditions of Service) Act, 1958, to achieve the above-mentioned purposes.

NEW DELHI;

H. R. GOKHALE.

The 2nd May, 1975.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 1/35/74-Jus, dated the 2nd May, 1975 from Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Supreme Court Judges (Conditions of Service) Amendment Bill, 1975, recommends the introduction and consideration of the Bill in Lok Sabha under article 117(1) and 117(3) of the Constitution of India.

FINANCIAL MEMORANDUM

Clause 2 of the Bill makes provision for the grant of family pension to Judges governed by Part I of the First Schedule to the Supreme Court Judges (Conditions of Service) Act, 1958 on the same lines as admissible to Class I officers of the Central Government subject to an option to be exercised to that effect. In the case of Central Government officers who die in harness the maximum family pension now admissible is Rs. 500 per month for a period of seven years from the date of death or up to the date on which the Government servant would have attained the age of 65 years had he survived, whichever period is less, and thereafter Rs. 250 per month. These officers have to contribute Rs. 5,000 from the gratuity for getting family pension benefits. In order to bring it on par with the benefit conferred on Class I officers, the Judges who wish to avail of the family pension scheme are required to make a contribution of Rs. 5,000 in such manner and at such time as may be prescribed.

The expenditure on the above account in respect of Judges of the Supreme Court will be a charge on the Consolidated Fund of India. In the case of Judges to whom family pension is payable, it is to be paid whether they die while in service or after retirement. In the very nature of things, it is not possible to work out precisely the expenditure on this account. Out of the sanctioned strength of 14 Judges in the Supreme Court, 10 Judges are drawn from the Bar. Assuming that all these 10 Judges opt for the scheme of family pension and that the family pension is payable after their retirement the total annual recurring expenditure will be of the order of Rs. 30,000.

Clause 3 of the Bill seeks to provide for a car allowance to each Judge at the rate of Rs. 300 per month. The recurring expenditure on this account works out to Rs. 50,400 per annum. Having regard to the retrospective operation of the Act from the 1st October, 1974, the expenditure on this account during the financial year 1974-75 will be Rs. 25,200.

There will be no other recurring or non-recurring expenditure on account of the proposals contained in the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 24 of the Supreme Court Judges (Conditions of Service) Act, 1958, confers rule making power on the Central Government with regard to certain matters. Judges who are governed by Part I of the First Schedule to the Act are now being given the option to come under the Family Pension Scheme applicable to Class I officers of the Central Civil Services. The said officers of the higher grade have to make a contribution of Rs. 5,000 from the gratuity in order to be eligible for family pension. Since the Supreme Court Judges governed by the said Part I are not eligible for gratuity, it is provided that the Judges may make a contribution of Rs. 5,000 in such manner and at such time as may be prescribed. The details are left to be spelt out in the rules.

The Supreme Court Judges (Conditions of Service) Act, 1958, already provides for the laying of the rules before both Houses of Parliament. The delegation of the legislative power is of a normal character.

BILL NO. 42 OF 1975

A Bill further to amend the High Court Judges (Conditions of Services) Act, 1954.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short
title
and
com-
mence-
ment.

1. (1) This Act may be called the High Court Judges (Conditions of Service) Amendment Act, 1975.

(2) It shall be deemed to have come into force on the 1st day of October, 1974, except section 6 which shall come into force at once.

Amend-
ment of
section
17A.

2. In the High Court Judges (Conditions of Service) Act, 1954 (hereinafter referred to as the principal Act), section 17A shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following shall be inserted, namely:—

28 of 1954.

‘(2) Subject to the provisions of sub-section (3), the rules, notifications and orders for the time being in force with respect to the grant of family pension in relation to an officer of the Central Civil Services, Class I, shall apply to the grant of family pension in relation to a Judge who dies, whether before or after retirement, in circumstances to which section 17 does not apply:

Provided that it shall be a condition for the grant of family pension in relation to a Judge that he shall make a contribution of rupees five thousand to the credit of the Central Government in such manner and at such time as may be prescribed.

(3) Sub-section (2) shall not apply to a Judge unless he elects to be governed by the provisions of that sub-section.

Explanation.—In sub-sections (2) and (3), the expression “Judge” has the same meaning as in section 14’.

3. After section 22 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 22A.

“22A. (1) Every Judge shall be entitled without payment of rent to the use of an official residence in accordance with such rules as may, from time to time, be made in this behalf.

Facility of rent-free houses.

(2) Where a Judge does not avail himself of the use of an official residence, he may be paid every month an allowance of an amount equal to twelve and a half per cent. of his salary.”

4. In section 23 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment of section 23.

“(1A) Every Judge shall be entitled to a car allowance of three hundred rupees per mensem subject to the maintenance of a motor car by him.”

5. In section 24 of the principal Act,—

Amendment of section 24.

(a) in sub-section (2),—

(i) after clause (b), the following clause shall be inserted, namely:—

“(ba) the manner and time of making the contribution referred to in the proviso to sub-section (2) of section 17A;”;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(ca) use of official residence by a Judge;”;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Transi-
tional
provision.

6. Any Judge who has died on or after the 1st day of October, 1974 but before the date on which this Act receives the assent of the President shall be deemed to have elected to be governed by the provisions of sub-section (2) of section 17A of the principal Act as inserted by this Act:

Provided that this provision shall apply only if the contribution referred to in the said sub-section (2) is made by the person or persons entitled to the family pension in relation to such Judge.

STATEMENT OF OBJECTS AND REASONS

Since the passing of the High Court Judges (Conditions of Service) Act, 1954, there has been no material modification of the conditions of service of the High Court Judges. There is now a widespread feeling that in the present-day context the conditions of service are not attractive enough especially with reference to the members of the Bar. There has also been a persistent demand for improvement of the salary and other conditions of service of Judges. Having considered all aspects of the matter, it is proposed to allow the Judges of the High Courts certain ancillary benefits with effect from 1st October, 1974.

2. At present, there is no provision for the grant of family pension in the case of Judges who are governed by Part I of the First Schedule to the Act. It is proposed to extend to them the facility of family pension on the same lines as are applicable to Class I officers of the Central Civil Services. In the case of Class I officers of the higher grades they have to contribute Rs. 5,000 from their gratuity if they opt. to be governed by family pension rules. In the case of these Judges, since contribution from the gratuity is not possible, they are required to make the contribution in such manner and at such time as the Central Government may prescribe.

3. It is also proposed to give to the Judges of the High Court the facility of rent-free accommodation. Where a Judge does not avail of the official residence he will be paid an allowance at the rate of twelve and a half per cent. of his salary. A further allowance at the rate of Rs. 300 per mensem to every Judge for the maintenance of motor car is also proposed to be given.

4. The Bill seeks to amend the High Court Judges (Conditions of Service) Act, 1954, to achieve the above-mentioned purposes.

NEW DELHI;
The 2nd May, 1975.

H. R. GOKHALE.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. 1/35/74-Jus., dated the 2nd May, 1975 from Shri H. R. Gokhale, Minister of Law, Justice and Company Affairs to the Secretary-General, Lok Sabha.—

The President, having been informed of the subject matter of the High Court Judges (Conditions of Service) Amendment Bill, 1975, recommends the introduction and consideration of the Bill in Lok Sabha under article 117(1) and 117(3) of the Constitution of India.

FINANCIAL MEMORANDUM

Clause 2 of the Bill makes provision for the grant of family pension to Judges governed by Part I of the First Schedule to the High Court Judges (Conditions of Service) Act, 1954 on the same lines as admissible to Class I officers of the Central Government subject to an option to be exercised to that effect. In the case of Central Government officers who die in harness the maximum family pension now admissible is Rs. 500 per month for a period of seven years from the date of death or up to the date on which the Government servant would have attained the age of 65 years had he survived, whichever period is less, and thereafter Rs. 250 per month. In order to bring it on par with the benefit conferred on Class I officers, the Judges who wish to avail of the family pension scheme are required to make a contribution of Rs. 5,000 in such manner and at such time as may be prescribed.

The expenditure on the above account in respect of Judges of the High Courts except the Delhi High Court will be first charged on the Consolidated Fund of India and subsequently recovered from the States. As regards the Delhi High Court, the expenditure will be a charge on the Consolidated Fund of India. In the case of Judges to whom family pension is payable, it is to be paid whether they die while in service or after retirement. In the very nature of things, it is not possible to work out precisely the expenditure on this account. Out of the present sanctioned strength of Judges in the Delhi High Court, 14 Judges are drawn from the Bar.

Assuming that all the 14 Judges opt for the scheme of family pension and that the family pension is payable only after their retirement, the total annual recurring expenditure during the first three years will be of the order of Rs. 84,000 and Rs. 42,000 thereafter.

Clause 3 of the Bill seeks to provide rent-free official residence to the Judges of the High Courts. The expenditure on this account also, except in the case of the Delhi High Court, will be a charge on the Consolidated Fund of the States. Assuming that the expenditure on this account will be at the rate of 12½ per cent. of the salary of a Judge, in the case of the 21 Judges of the Delhi High Court, the annual recurring expenditure will be Rs. 1,11,000. Having regard to the retrospective operation of the Act from the 1st October, 1974, the expenditure on this account during the financial year 1974-75 will be Rs. 55,500.

Clause 4 of the Bill provides for a car allowance at the rate of Rs. 300 per month to a Judge. The expenditure on this account also, except in the case of the Delhi High Court, will be a charge on the Consolidated Fund of the States. In the case of the Delhi High Court the recurring expenditure on account of car allowance to the existing 21 Judges works out to Rs. 75,600 per annum. As the allowance is payable from 1st October, 1974, the expenditure on this account during the financial year 1974-75 will be Rs. 37,800.

There will be no other recurring or non-recurring expenditure on account of the proposals contained in the Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 24 of the High Court Judges (Conditions of Service) Act, 1954, confers rule making power on the Central Government with regard to certain matters. Judges who are governed by Part I of the First Schedule to the Act are now being given the option to come under the Family Pension Scheme applicable to Class I officers of the Central Civil Services. The said officers of the higher grade have to make a contribution of Rs. 5,000 from the gratuity in order to be eligible for family pension. Since High Court Judges governed by the said Part I are not eligible for gratuity, it is provided that the Judges may make the contribution of Rs. 5,000 in such manner and at such time as may be prescribed. The details are left to be spelt out in the rules. Further, under new section 22A proposed to be inserted by clause 3 of the Bill, the Judges will be allowed the use of rent-free houses subject to rules made by the Central Government. The rules will set out the conditions and other matters of detail.

The High Court Judges (Conditions of Service) Act, 1954, already provides for the laying of the rules before both Houses of Parliament. The delegation of the legislative power is of a normal character.

BILL No. 44 OF 1975

A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Nagaland for the services of the financial year 1975-76.

BE it enacted by Parliament in the Twenty-sixth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Nagaland Appropriation (No. 2) Act, 1975.

Issue of
Rs. 67,98,
62,000 out
of the
Consolida-
ted Fund
of the
State of
Nagaland
for the
financial
year
1975-76.

2. From and out of the Consolidated Fund of the State of Nagaland there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Nagaland Appropriation (Vote on Account) Act, 1975] to the sum of sixty-seven crores, ninety-eight lakhs and sixty-two thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1975-76 in respect of the services specified in column 2 of the Schedule.

18 of 1975.

Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Nagaland by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

THE SCHEDULE

(See section 2 and 3)

1	2	3		
		Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
1	State Legislature . . . Revenue	23,00,000	3,00,000	26,00,000
2	Head of State . . . Revenue	..	6,94,000	6,94,000
3	Council of Ministers . . . Revenue	50,00,000	..	50,00,000
4	Administration of Justice . . Revenue	13,50,000	2,00,000	15,50,000
5	Elections . . . Revenue	19,55,000	..	19,55,000
6	Land revenue, stamps and registration . . Revenue	17,07,000	..	17,07,000
7	State Excise . . . Revenue	7,50,000	..	7,50,000
8	Sales Tax . . . Revenue	6,00,000	..	6,00,000
9	Taxes on Vehicles . . . Revenue	4,60,000	..	4,60,000
10	Servicing of debt . . . Revenue	..	1,58,50,500	1,58,50,500
	Capital	..	19,49,500	19,49,500
11	Public Service Commission . . Revenue	..	5,50,000	5,50,000
12	Civil Secretariat . . . Revenue	1,07,00,000	..	1,07,00,000
13	District administration special welfare scheme and Tribal Council . . . Revenue	1,68,00,000	..	1,68,00,000
14	Treasury and accounts administration . . . Revenue	15,50,000	..	15,50,000
15	Special expenditure on maintenance of law and order including contribution for pensions and gratuities. . . Revenue	68,00,000	..	68,00,000
16	Village Guards . . . Revenue	37,50,000	..	37,50,000
17	Civil Police and Fire Service Unit . . . Revenue	5,23,00,000	..	5,23,00,000
18	Jails . . . Revenue	38,20,000	..	38,20,000
19	Stationery and Printing . . . Revenue	26,50,000	..	26,50,000
20	Vigilance Commission . . . Revenue	1,00,000	..	1,00,000
21	Workshop Organisation . . . Revenue	16,50,000	..	16,50,000

1	2		3		
			Sums not exceeding		
			Voted by Parliament	Charged on the Consolidated Fund	Total
No. of Vote/ Appropriation	Services and purposes		Rs.	Rs.	Rs.
22	Nagaland Houses	Revenue	6,20,000	..	6,20,000
23	Administrative Training Institute	Revenue	5,50,000	..	5,50,000
24	State Lotteries	Revenue	9,05,000	..	9,05,000
25	Pensions and Other Retirement Benefits	Revenue	5,64,000	..	5,64,000
26	Education	Revenue	5,31,78,000	..	5,31,78,000
27	Art and Culture and Gazetteers Unit	Revenue	10,85,000	..	10,85,000
28	Medical Public Health and Family Planning	Revenue	3,06,84,100	..	3,06,84,100
29	Urban Development	Revenue	14,50,000	..	14,50,000
30	Information, Publicity and Tourism	Revenue	32,80,000	..	32,80,000
31	Employment Exchange	Revenue	1,15,000	..	1,15,000
32	Labour	Revenue	1,15,000	..	1,15,000
33	Tribal Development Blocks, Community Project, etc.	Revenue	83,80,000	..	83,80,000
34	Social Welfare	Revenue	15,25,000	..	15,25,000
35	Soldiers, Sailors and Airmen's Board	Revenue	65,000	..	65,000
36	Social Security Welfare and Community Services	Revenue	11,03,000	..	11,03,000
37	Evaluation Unit	Revenue	1,60,000	..	1,60,000
38	Co-operation	Revenue	24,80,000	..	24,80,000
		Capital	12,70,000	..	12,70,000
39	Statistics	Revenue	14,50,000	..	14,50,000
40	Weights and Measures	Revenue	3,71,000	..	3,71,000
41	Supply Office at Calcutta	Revenue	1,77,000	..	1,77,000
42	Agriculture, Minor Irrigation, Fisheries, etc.	Revenue	2,24,35,100	..	2,24,35,100
43	Soil Conservation	Revenue	40,50,000	..	40,50,000
44	Grain, Supply Scheme	Revenue	53,50,000	..	53,50,000
		Capital	3,00,00,000	..	3,00,00,000
45	Animal Husbandry and Dairy Development	Revenue	1,07,33,000	..	1,07,33,000
		Capital	1,40,000	..	1,40,000

1	2	3	Sums not exceeding		
No. of Vote/ Appropriation	Services and purposes	Voted by Parliament	Charged on the Consolidated Fund	Total	
		Rs.	Rs.	Rs.	
46	Fores'	Revenue	79,90,000	..	79,90,000
47	Industries	Revenue	54,70,000	..	54,70,000
		Capital	2,22,50,000	..	2,22,50,000
48	Mineral Development	Revenue	25,25,000	..	25,25,000
49	Power Projects	Revenue	2,84,31,100	..	2,84,31,100
		Capital	1,59,26,500	..	1,59,26,500
50	Road Transport	Revenue	63,00,000	..	63,00,000
		Capital	35,00,000	..	35,00,000
51	Financial Corporation Cell	Revenue	5,00,000	..	5,00,000
52	Housing Loans and Loans to Govern- ment Servants	Capital	78,00,000	..	78,00,000
53	Public Works, Housing, Road and Bridge	Revenue	18,05,18,000	..	18,05,18,000
		Capital	4,42,65,000	..	4,42,65,000
54	Functional buildings and other Developmental Schemes	Capital	1,56,33,400	..	1,56,33,400
55	Water Supply Schemes	Revenue	1,01,31,800	..	1,01,31,800
		Capital	1,05,00,000	..	1,05,00,000
	TOTAL		66,03,18,000	1,95,44,000	67,98,62,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204(1) of the Constitution read with the Proclamation issued under article 356 of the Constitution in respect of the State of Nagaland on the 22nd March, 1975 to provide for the appropriation out of the Consolidated Fund of the State of Nagaland of the moneys required to meet expenditure charged on the Consolidated Fund of the State of Nagaland and the grants made by the Lok Sabha for expenditure of the Government of Nagaland, for the financial year 1975-76.

PRANAB MUKHERJEE.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 207 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. F. 3(62)-B/75, dated the 5th May, 1975 from Shri Pranab Kumar Mukherjee, Minister of State in the Ministry of Finance to the Secretary-General, Lok Sabha.]

The President having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Nagaland for the services of the financial year 1975-76 recommends under clauses (1) and (3) of article 207 of the Constitution of India read with the Proclamation dated the 22nd March, 1975 issued under article 356 of the Constitution, the introduction of the Nagaland Appropriation (No. 2) Bill, 1975, in Lok Sabha and also the consideration of the Bill.

2. The Bill will be introduced in Lok Sabha immediately after the Demands for Grants for the expenditure of the Government of the State of Nagaland for the year 1975-76 have been voted.

S. L. SHAKDHER,
Secretary-General.